HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

Writ Petition No. 5140 OF 2005

PETITIONER Padam Kumar Jain, son of Late Manak Chand Jain, aged 42 years, resident of B-501, Ashoka Ratna, Vidhan Sabha Road, Raipur

Versus

RESPONDENTS

1. Chhattisgarh Housing Board, a body corporate constituted under the relevant provisions of Chhattisgarh Greh Nirmaan Mandal Adhiniyam, 1972, Division Office No. 1, Shankar Nagar, Raipur.

2. The Executive Engineer, Chhattisgarh Housing Board, Division Office No. 1, Shankar Nagar, Raipur.

Present:

Shri B.P. Sharma, learned counsel for the petitioner.

Shri Sanjay Patel, learned counsel for the respondents.

ORAL ORDER

(Passed on 20th of January 2006)

The action of the first respondent Housing Board canceling the allotment of the subject plot earlier made in favour of the petitioner has been assailed in this writ petition amongst other grounds on the ground that the impugned action was not preceded by any notice to the petitioner and thereby completely denying opportunity of being heard. The first respondent Housing Board before canceling the allotment ought to have issued notice to the petitioner and ought to have given him a fair opportunity to make his representation with regard to the proposed action. The impugned action suffers from vice of infraction of principles of natural

justice and fair play in action. On that short ground, the impugned order cannot be sustained in law. The writ petition is allowed and impugned order is quashed. This order, however, shall not come in the way of the first respondent Housing Board from initiating appropriate action, if they are so advised, to cancel the allotment of the plot made in favour of the petitioner on any permissible legal grounds, but, it can do so only after issuing notice to the petitioner and giving him a fair opportunity of being heard. All the contentions raised in this writ petition touching merits of the matter are left open to be agitated at an appropriate stage. No costs.

Sd/-
Chief Justice